FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE 3/24/15

516 A

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: TLMA – Planning Department

SUBMITTAL DATE:
March 20, 2015

SUBJECT: BLYTHE MESA SOLAR PROJECT - CHANGE OF ZONE NO. 7831, CONDITIONAL USE PERMIT NO. 3685, PUBLIC USE PERMIT NO. 913, ORDINANCE NO. 664.57, DEVELOPMENT AGREEMENT NO. 79 AND CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 529 – Applicant: Renewal Resources Group - Engineer/Representative Rupal Patel – Fourth Supervisorial District – Palo Verde Valley Area Plan - Location: Northerly and southerly of Interstate 10, westerly of Neighbors Boulevard and Arrowhead Boulevard and southerly and easterly of the Blythe Airport. [$0]

RECOMMENDED MOTION: That the Board of Supervisors open the public hearing and at the close of the public hearing:

1. **ADOPT RESOLUTION NO. 2015-057 Certifying ENVIRONMENTAL IMPACT REPORT NO. 529,** adopting environmental findings pursuant to the California Environmental Quality Act, and adopting a Mitigation Monitoring and Reporting Program; and,

2. **TENTATIVELY APPROVE CHANGE OF ZONE NO. 7813,** amending the zoning classification for the subject property from Natural Assets (N-A), Controlled Development Areas 10 acre minimum (W-2-10), and Controlled Development Areas 5 acre minimum (W-2-5) to Light Agriculture 10 acre minimum

(continued next page)

Juan C. Perez
TLMA Director
SW:lr

Steve Weiss, AICP
Planning Director

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	$ N/A	$ N/A	$ N/A	$ N/A	Consent ☐ Policy ☐
NET COUNTY COST	$ N/A	$ N/A	$ N/A	$ N/A	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

County Executive Office Signature

APPROVE
BY: Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added ☐ Change Order
☐ A-30 ☐ 4/5 Vote

Prev. Agn. Ref.: | **District: 4** | **Agenda Number:** 3-53

RECOMMENDED MOTION CONTINUED:

(A-1-10) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,

4. **APPROVE PUBLIC USE PERMIT NO. 913**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057; and,

5. **APPROVE CONDITIONAL USE PERMIT NO. 3685**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057; and

6. **INTRODUCE** and **ADOPT** on successive weeks of **ORDINANCE NO. 664.57,** an Ordinance of the County of Riverside Approving Development Agreement No. 79**,** based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2015-057.

BACKGROUND:
Summary

Conditional Use Permit No. 3685 proposes a 485 megawatt solar photovoltaic (PV) electrical generating facility (solar power plant) consisting of a solar array field utilizing single-axis solar PV trackers and panels with a combined maximum height of eight feet. Supporting facilities on-site would include up to three electrical substations, up to two operation and maintenance buildings, inverters, transformers, and associated switchgear. An approximate 334-acre portion of the 3,660-acre Project site is located within the City of Blythe jurisdiction, the remaining 3,326 acres is within the unicorporated area under the jurisdiction of the County.

Public Use Permit No. 913 proposes to permit a new 8.4 mile long, 230 kilovolt (kV) double-circuit generation-tie transmission line that would connect the proposed Project with the approved Colorado River Substation located west of the Project site subject to Public Use Permit (3.6 miles of the generation-tie line are located within the Project site subject to the jurisdiction of the County, and 4.8 miles are located off-site within a 125-foot-wide BLM ROW between the Project site and the Colorado River Substation).

Change of zone No. 7831 proposes to rezone approximately 1,249 acres from Controlled Development Areas 5 acre minimum and 10 acre minimum (W-2-5 and W-2-10) and Natural Assets (N-A) to Light Agriculture 10 acre minimum (A-1-10).

The applicant and County Staff have negotiated a **Development Agreement (DA No. 79)** consistent with the County's solar power plant program. County staff has reached an agreement with the applicant on the provisions of the development agreement. DA No. 79 has a term of 30 years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 79 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding annual public benefits payments and increases (Section 4.2 of DA No. 79) and terms requiring the applicant to take actions to ensure allocation directly to the County of the sales and use taxes payable in connection with the construction of the solar power plant, to the maximum extent possible under the law, which is a public benefit for the County (Section 4.3 of DA No. 79). Additionally, given the unique location of the Project, DA No. 79 recognizes the City of Blythe as a limited third party beneficiary of DA No. 79 and requires that the applicant pay 10% of the annual public benefits directly to the City of Blythe. The remainder of the annual public benefit payments will be used by the Board of Supervisors consistent with Resolution No. 2013-158 which establishes the requirements, limitations, and procedures concerning the use of payments collected under a development agreement

involving a solar power plant (Section 4.2.5 of DA No. 79). Finally, DA No. 79 also contains an agreement between the parties with regard to the computation of development impact fees using the surface mining fee category on a Project Area basis as set forth in Section 13 of Ordinance No. 659 (Section 4.4 and Exhibit G of DA No. 79). Per State law, a development agreement is a legislative act which must be approved by ordinance. Proposed Ordinance No. 664.57, an Ordinance of the County of Riverside Approving Development Agreement No. 79, incorporates by reference and adopts DA No. 79.

Approval and use of Conditional Use Permit No. 3685 and Public Use Permit No. 913 is conditioned upon Development Agreement No. 79 being entered into and effective.

The project is located northerly and southerly of Interstate 10, westerly of Neighbors Boulevard and Arrowhead Boulevard and southerly and easterly of the Blythe Airport.

Impact on Citizens and Businesses
The County and BLM prepared a joint Environmental Impact Report/Environmental Assessment. Environmental Impact Report No. 529 studied the overall Blythe Mesa Solar Project and its impacts, as described in the attached staff report and Resolution No. 2015-057. The project will aid in the transmission of renewable energy to the power grid.

SUPPLEMENTAL:
Additional Fiscal Information
As stated above, the applicant and County staff have reached an agreement on the provisions of Development Agreement No. 79. Under DA No. 79, the applicant will submit annual public benefit payments of $150 per acre, increased annually by 2% from and after 2013 (currently $156 per acre in 2015), based on the solar power plant net acre amount of 3,397.62 acres at full build out. The total "solar power plant net acreage", agreed upon by the applicant, was calculated using the definition in Board of Supervisors' Policy No. B-29. The project is scheduled to be built in phases and the initial annual public benefit payments will based on the solar power plant net acreage included in each phase until complete build out. DA No. 79 contemplates five phases (Section 3.4 and Exhibit F of DA No. 79). The first phase will include a solar power plant net acreage of 938.84 acres. The second phase will include a solar power plant net acreage of 232.92 acres. The third phase will include a solar power plant net acreage of 610.08 acres. The fourth phase will include a solar power plant net acreage of 257.96 acres. The fifth phase will include a solar power plant net acreage of 1357.82 acres. The applicant will also take agreed upon actions to ensure that local sales and use taxes are directly allocated to the County to the maximum extent possible under the law. Additionally, the applicant will submit an agreed upon Development Impact Fee (DIF) payment using the Palo Verde Valley surface mining fee category of $6,750 per acre on approximately 2,985.62 acres as set forth in Section 4.4 and Exhibit G of DA No. 79. The timing of the DIF payment will be in accordance with Ordinance No. 659 and any temporary reduction of fees approved by the board of Supervisors in place at the time of payment of the DIF shall be applicable to the project.

Staff labor and expenses to process this project have been paid directly through Blythe Mesa's deposit based fees.

MEMORANDUM

RIVERSIDE COUNTY COUNSEL

DATE: May 7, 2015

TO: Board of Supervisors

FROM: Tiffany N. North
Deputy County Counsel IV-S

RE: Agenda item 3-53 regarding comment letters received at the public hearing on April 14, 2015 concerning the Final EIR/EA for the Blythe Mesa Solar Project

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On April 14, 2015, the Board of Supervisors held a public hearing on the Blythe Mesa Solar Project (agenda item 16-1 and hereinafter referred to as "Project"). The County received six letters on the Blythe Mesa Solar Project Final Environmental Impact Report/Environmental Assessment ("EIR/EA") prior to the public hearing but after the close of the public comment period on the Draft EIR/EA. Three letters from the Blythe Area Chamber of Commerce and Tourist Information Center, Ben Gosser, and Conservation Groups (Defenders of Wildlife, Sierra Club, Natural Resources Defense Council, Audubon California, and The Wilderness Society) expressed support for the Project. Three letters from Adams Broadwell Joseph & Cardozo, Colorado River Indian Tribes, and La Cuna de Aztlan Sacred Sites Protection Circle opposed the Project and commented on the Final EIR/EA. As requested by the Board, County Counsel and the County's CEQA consultant Power Engineers, have reviewed the letters submitted by Adams Broadwell Joseph & Cardozo, Colorado River Indian Tribes, and La Cuna de Aztlan Sacred Sites Protection Circle and find that the letters contain no significant new information. At the close of the public hearing, the Board stated that County Counsel's comments on letters could be received at the Board's next meeting.

Attached is a memorandum from Power Engineers, prepared in consultation with County Counsel, addressing the comments made in the letters opposed to the Project. There is no legal requirement to respond to late comment letters submitted after the close of the public review period called for under CEQA. See Public Resources Code section 21091. However, we are providing the attached responses to support the conclusion that the letters from Adams Broadwell Joseph & Cardozo, Colorado River Indian Tribes, and La Cuna de Aztlan Sacred Sites Protection Circle merely reiterate the earlier comments submitted on the Draft EIR/EA and do not contain any new significant information.

TNN:nr
Attachment
G:\Property\TNorth\Blythe Mesa Solar\Memo re Power Engineers Memo dated 5 7 15.docx

POWER ENGINEERS, INC.

731 EAST BALL ROAD
SUITE 100
ANAHEIM, CA 92805 USA

PHONE 714-507-2700
FAX 714-507-2799

POWER ENGINEERS

MEMORANDUM

ENERGY
FACILITIES
COMMUNICATIONS
ENVIRONMENTAL

DATE: May 7, 2015

TO: Tiffany N. North, Deputy County Counsel, Riverside County

C: Rupal Patel, Renewable Resources Group
Larry Ross, Riverside County Planning Department

FROM: Chris Knopp
Project Manager

SUBJECT: 122512 Blythe Mesa Solar Project
Final EIR/EA Comments of April 14, 2015

MESSAGE

The County of Riverside received six letters on the Blythe Mesa Solar Project (BMSP) Final Environmental Impact Report/Environmental Assessment (Final EIR/EA). Three of the letters expressed support of the Project; those include, Blythe Area Chamber of Commerce and Tourist Information Center, Ben Gosser, and Conservation groups (Defenders of Wildlife, Sierra Club, Natural Resources Defense Council, Audubon California, and The Wilderness Society). Three letters expressed opposition to the Project; those include, Adams Broadwell Joseph & Cardozo, Colorado River Indian Tribes, and La Cuna de Aztlan Sacred Sites Protection Circle.

We have reviewed the comments and find that they do not provide any significant new information requiring recirculation of the EIR. There is no legal requirement to respond to comment letters submitted after the close of the period for commenting on the draft EIR (Public Resources Code section 21091); however, we are providing these responses to further address the commenters' concerns and to explain why the letters do not contain significant new information as defined by CEQA Guidelines section 15088.5. See below for responses to the issues raised in the opposition letters.

In its resolution certifying the Environmental Impact Report for the BMSP, making findings under the California Environmental Quality Act, and approving the project, the County proposes to approve Alternative 3 (Northern Alternative 230kV Gen-tie Line) rather than the Project (Alternative 1). The primary difference between Alternatives 1 and 3 is the location of the 230 kV gen-tie line that extends outside the solar facility site to the Colorado River Substation. The gen-tie line contemplated under Alternative 3, like Alternative 1, is located within the Riverside East Solar Energy Zone (SEZ). However, the Alternative 3 gen-tie line is located approximately 700 feet to the north and within a 125-foot ROW on BLM-managed lands. The total length of the 230 kV gen-tie line for Alternative 3, both on-side and off-site of the solar facility is 8.8 miles; 3.6 miles would be located on private lands within the solar facility site boundary subject to the County's jurisdiction and 5.2 miles would be located on BLM-managed lands. The BLM portion of the ROW would total 78 acres.

OPPOSITION LETTER 1: ADAMS BROADWELL JOSEPH & CARDOZO

1. PHASE 1 ENVIRONMENTAL SITE ASSESSMENT INFORMATION REGARDING HAZARDS

No new potentially significant impacts have been identified since the circulation of the Draft EIR/EA or Final EIR/EA documents. The environmental setting relating to hazards and hazardous materials was previously identified in the Final EIR/EA Section 3.2.8 and contained a summary of environmentally affected sites and other sites that are within a one-mile radius surrounding the Project area. The EDR was reviewed to identify known hazardous material sites in the Project site vicinity pursuant to Government Code Section 65962.5. The EDR report was included in its entirety in Appendix F of the Draft EIR/EA and included descriptions of each agency database, site names and addresses, and status, with some repetition existing among the different databases including Federal Database Records and State and Local Database Records. These databases identify recognized environmental conditions on a property and within a given radius of the property. As shown on Figure 3.2.8.1, no known hazardous materials sites are located within the project boundary, with the exception of a former Leaking Underground Storage Tank (LUST) site at 15550 West Hobson Way in Blythe, which site has been completed/closed; and an above ground storage tank at 10151 Buck Boulevard in Blythe.

The impacts of the project and alternatives pertaining to hazards and hazardous materials were identified in the Final EIR/EA Section 4.2.8. That section explains that potential existing hazards were assessed based on information contained in the EDR DataMap Area Study as part of the Phase 1 Environmental Site Assessment prepared for the parcels comprising the Project area. The analysis examined the potential for impacts from pesticide residue from agricultural production, asbestos-containing materials and lead-based paint, hazardous materials on adjacent properties, former use of the site by the Blythe Army Air Base, herbicide use, hazardous materials use, transport, storage and disposal, and hazardous materials spill release responses.

Section 4.2.8 of the Final EIR concludes, based on all of the information in the record including the Phase 1 Environmental Site Assessment, that Alternative 3:

- Would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Would be located on a site upon which an above-ground storage tank is located, but that tank would be removed in compliance with all rules, laws and regulations; therefore, Alternative 3 would result in a less than significant hazard to the public or the environment.

The Phase I Environmental Site Assessment similarly concludes: *the Subject Property will continue to be used for farming and eventually for solar energy generation; residential land use is not planned for the Subject Property. Therefore, risk to human health from exposure to chemically impacted soils (i.e. fuels, pesticides, herbicides) at the Subject Property, should they be present, is not believed to be a significant concern. For this reason, no further evaluation into health risk at the Subject Property is warranted at this time* (Kennedy/Jenks Consultants pages x and 9-7).

Former Agricultural Use

The commenter points out that the Phase 1 Environmental Site Assessment states that some Project parcels were used for agriculture as early as 1967 and that a clarifier was noted on one of the parcels, and that storage of pesticides and herbicides occurred in other locations. The Phase 1 Environmental Assessment does not indicate that significant contamination has occurred as a result of these activities; rather as explained above the Phase 1 Environmental Assessment concludes that "the risk to human health from exposure to chemically impacted soils (i.e. fuels, pesticides, herbicides) at the Subject Property, should they be present, is not believed to be a significant concern." (Kennedy/Jenks Consultants pages x and 9-7) As stated on page 4-217 of the Final EIR/EA, "The construction of the proposed Project would require minimal grading for the foundations of the substations and O&M buildings; therefore, it is anticipated that workers' exposure to impacted soils would be at low-level concentrations."

The commenter states that the Phase 1 Environmental Site Assessment recommends a limited characterization effort in certain locations on the property. The characterization effort recommended by the Phase 1 Environmental Site Assessment is a standard component of a Phase II Environmental Site Assessment. Accordingly, the recommended characterization effort will occur through compliance with the County's Conditional Use Permit Condition 60.E HEALTH 001. That condition requires:

> "A Phase II Environmental Site Assessment shall be required to be completed for pesticides or other hazardous materials used on the property. The results must be reviewed by the Environmental Cleanup Program (ECP) to verify that the levels are below hazardous waste criteria. If there are questions regarding the number of samples or other requirements."

The commenter also states that sampling for pesticides is critical for the protection of water quality. The Phase 1 Environmental Site Assessment reaches a different conclusion: "No further environmental action to water quality beneath the Subject Property is suggested at this time. Water quality does not appear to be an issue for the Subject Property as the neighboring Blythe Municipal Airport is the location of a new water supply well servicing CSA 122. Water supply well (Well Number 8) was installed at the SE portion of the airport. Water derived from this well is only being treated for arsenic and fluoride. Fuels and pesticides/herbicides used and stored at the Subject Property do not appear to be of concern for water quality; therefore, the potential is low for chemical impacts to existing in groundwater beneath the Subject Property resulting from past or current land use."

Former Military Use

The commenter states that the Phase 1 Environmental Site Assessment identifies some of the project parcels as sites that were used in military activities associated with the former Blythe Army Air Base (BAAB), including one site that was used as a burn/dump area. Chapter 3, Section 1.2.5 of the Final EIR/EA gives a detailed description of the World War II Desert Training Center/California-Arizona Maneuver Area, as well as the BAAB. Section 4.2.8 of the Final EIR/EA explains that the BAAB is listed in the Formerly Used Defense Site (FUDS) database. Information obtained from the Department of Toxics Control (DTSC) online records identifies three areas within the BAAB as having the potential for munitions-related impacts. Explosive hazards were ruled out for the BAAB during a 2011 field investigation. The project site does not fall within any of the three munition-related areas. In addition, no evidence of the storage use, or disposal of chemical warfare has been identified for the BAAB FUDS listing. Based on the information in the record, including the Phase 1 Environmental Site Assessment, the Final EIR/EA concludes: "the proposed Project

would not create a significant hazard to the public or the environment relative to the use of the BAAAB as a FUDS or munitions-related impacts."

On page IV, the Phase 1 Environmental Site Assessment prepared for the subject property reaches the same conclusions. The Phase 1 Environmental Site Assessment supports the Final EIR/EA's conclusion that risk of exposure to contamination due to former use of portions of the property by the BAAB is less than significant.

The commenter notes that the Phase 1 Environmental Site Assessment discusses a burn/dump area in the Northern Parcel on APN 821-110-004. The Phase 1 Environmental Assessment states that this area "is not reported to pose an explosive hazard risk based on the findings of the Parsons 2011 field investigation." The Phase 1 Environmental Assessment does not conclude that this area poses a substantial risk to human health or water quality. As noted above, the Phase 1 Environmental Assessment does recommend a limited characterization effort at the burn/dump located on APN 821-110-004 to further investigate the potential for heavy metals and PAHs. Compliance with the County's Conditional Use Permit Condition 60.E HEALTH 001 will include the recommended characterization effort.

2. ENVIRONMENTAL SETTING FOR WATER RESOURCES

The commenter states that the Draft EIR/EA fails to set forth the existing setting for water quality in the Lower Colorado River area. This comment reiterates Comment 12-23, to which a response was provided in the Final EIR/EA. See below for additional discussion.

The Affected Environment section, beginning on page 3-120 of the Final EIR/EA, sets forth the existing environmental conditions relative to water resources.

In establishing the water quality baseline conditions in the Project area, the analysis in the Final EIR/EA relied on the following: 1). *Water Quality Control Plan for the Colorado River Basin – Region 7* and 2). Section 303(d) listed or impaired streams and completed Total Maximum Daily Load (TMDL)[1] requirements as part of the resource inventory of the Project area. As explained in Section 3.2.9 in the Final EIR/EA, under Section 303(d) of the Clean Water Act, states, territories, and authorized Tribes are required to develop a list of surface waters with impaired water quality. On June 28, 2007, the EPA gave final approval to California's 2006 Section 303(d) List of Water Quality Limited Segments.

In addition, in order to gather more specific data relative to the Colorado River additional data from the United States Geology Service (USGS) was utilized. As noted in Response to Comment 12-23 in the Final EIR/EA, the nearest USGS stream gage upstream (USGS 09429100 Colorado River below Palo Verde Dam) does not record water quality data (USGSa 2014). Downstream, the nearest USGS stream gage (USGS 09429500 Colorado River Below Imperial Dam) provides water quality data, but is located approximately 52 miles south of the Project, and water quality data is limited to the period between August 25, 1969 – September 29, 1972 (USGSb 2014). The California Department of Water Resources (CDWR) water quality stations nearest to the project (approximately 0.5 mile south of Interstate 10; COLORADO R NR BLYTHE, station number W7187005) recorded no water quality data after September 14, 1981 (CDWRa 2014). Downstream, the nearest DWR station is COLORADO R BL CIBOLA VLY, station number W7140000, approximately 27 miles south of the project. This station ceased recording water quality data after February 2, 1981 (CDWRb 2014).

[1] Total Maximum Daily Load (TMDL) is a regulatory term in the U.S. Clean Water Act, describing a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

Water quality resources for the Lower Colorado River Basin, and the Project area in particular, report either TMDLs (i.e., California's 2006 Section 303(d) List of Water Quality Limited Segments) or water quality objectives (i.e., Chapter 3 of the Water Quality Control Plan for the Colorado River Basin – Region 7 (RWQCB 2006) rather than monitored water quality parameters. For this reason, monitored water quality data for the Colorado River near the Project area was not available for inclusion in the Final EIR/EA.

Impaired streams are considered sensitive resources in the routing of transmission lines and are protected from water quality impacts. Within the Project region, one water body is listed as impaired on the Section 303(d) list (the Palo Verde Outfall Drain and Lagoon). Therefore, the Final EIR/EA references only the Palo Verde Outfall Drain in discussing impaired water bodies; the Colorado River is not listed as impaired.

3. IMPACTS RELATED TO BIOLOGICAL RESOURCES, HAZARDS, WATER RESOURCES, AND AIR QUALITY AND PUBLIC HEALTH

A. Impacts to Biological Resources

1. Yuma Clapper Rail

The Final EIR/EA explains that project-related construction activity is not expected to affect Yuma clapper rail nesting or foraging activities. This determination is based on the terrain, vegetation, and habitat characteristics within the Project study area and available data on known Yuma clapper rail locations. The Yuma clapper rails are generally found in freshwater and alkali marshes dominated by stands of emergent vegetation interspersed with areas of open water and drier, upland benches (USFWS 2015). By contrast, the project area has a long history of human use and disturbance with dominant land uses consisting of agricultural fields and citrus orchards, residences, Blythe Municipal Airport, Blythe Energy Center, electrical transmission lines, an interstate highway, and commercial businesses. Within this matrix of human development and disturbance some patches of open desert habitat remain in the form of disturbed creosote bush scrub. Activities associated with the agricultural land limit birds from actively using the land for purposes other than foraging. The Yuma clapper rail is a marsh bird and breeding is restricted to freshwater marshes near the Colorado River; however, the Colorado River is over 8 miles east of the Project site. Due to the existing suitable forage land east of the Project site and the distance from the Colorado River or distance from breeding populations, the Project is not expected to affect the species. Mitigation Measures Biology-1 and Biology-7 would be implemented regardless. Mitigation Measure Biology-7 requires a Bird and Bat Conservation Strategy (BBCS) with adaptive provisions. The BBCS would be implemented to help reduce potential impacts during construction and operation and maintenance of the gen-tie line and solar array facility. The BMSP BBCS includes baseline surveys, a three-year mortality and injury monitoring program, adaptive management, and care and transport for injured birds and bats. As a living document the BMSP BBCS will implement an adaptive management process.

Early coordination and pre-consultation with the USFWS, the California Department of Fish and Wildlife (CDFW), the County of Riverside, and the BLM was conducted during a series of meetings, email correspondences, and phone conversations. The commenter mentions that the DEIS/EA fails to disclose the consultation process, however, a table identifying the consultation discussions is provided in the BBCS which was part of both the Draft EIR/EA and the Final EIR/EA (Refer to Appendix C.4, Avian & Bat Protection Plan Section 1.2.1 Coordination with Others). The consultations addressed all species protected by the ESA, not just the desert tortoise as the commenter mentions.

As noted the USFWS provided a letter requesting the Final EIR/EA add the Yuma clapper rail to the analysis. The USFWS letter stated the following, "we offer the following

comment and recommendations to help avoid and minimize adverse impacts to public trust resources that may be impacted by the proposed project, including sensitive species, migratory birds, and the federal endangered Yuma clapper rail, recently renamed Yuma Ridgeway's rail." The Final EIR/EA included the discussion of the Yuma clapper rail that USFWS requested. Section 3.2.4 and Response 3-1 to the USFWS letter explains that Appendix C.4 of the Final EIR/EA includes a Bird and Bat Conservation Strategy (BBSC). (Appendix C.4 is called the Avian & Bat Protection Plan, but constitutes the BBCS.) The responses to the USFWS comment letter also explain that Appendix C.4 will be updated to incorporate the additional suggestions provided by the USFWS. The Errata located in volume VI of the Final EIR/EA identifies the changes that have been incorporated into the BBCS, and Appendix C.4 contains the updated BBCS.

The commenter mentions the increase risk associated with the sewage ponds and lake effect. The proposed Project lacks components, such as open evaporation and holding ponds, which appear to have attracted water birds at other studied sites in Riverside County. While water bird collision with solar panels cannot be ruled out entirely, the proposed Project incorporates measures and BMPs to minimize such effects to less than significant. Avian species may utilize the existing sewage pond adjacent to the project site and other ponds around the project area; however habituation of avian species to this existing disturbed area has reduced potential new impacts to the species with the implementation of the project. In general; projects sited in undisturbed habitat bring potential new risk for avian collision due to the projects' facilities, power lines, evaporation ponds, and roadways. Projects sited in and near disturbed habitat bring less risk of avian collision.

In sum, the Final EIR/EA concludes based on the technical analyses prepared by expert biologists, consultation with wildlife and resources agencies, site-specific conditions, and the project features that impacts to the Yuma clapper rail are not likely to occur. The Final EIR/EA also includes a mitigation program designed to protect all avian species, which will further minimize the potential for adverse effects to the Yuma clapper rail to less than significant.

2. Avian Impacts

Collision Risk

The commenter states there is a significant impact associated with avian collision. Site-specific collision risk is affected by a number of independent factors. Factors that influence collision risk can be divided into three categories: those related to bird biology, those related to the environment, and those related to the configuration and location of transmission lines (APLIC 2006, Savereno et al. 1996). The Final EIR/EA reviews each of the three categories to evaluate the factors that contribute to the collision risk. This information also was used to help develop the BBCS, which is found in Appendix C.4. The BBCS has been written with consideration to and guidance from the data and suggestions presented in the U.S. Fish and Wildlife Service's (USFWS) Region 8 Interim Guidelines for the Development of a Project-specific Avian and Bat Protection Plan for Solar Energy Plants and Related Transmission Facilities (USFWS 2010), and the Avian Power Line Action Committee's (APLIC) Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (APLIC 1994), Avian Protection Plan Guidelines (APLIC 2005), and Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). Further modifications were made to Appendix C.4 in Response to Comments, as outlined in the Errata to the Final EIR/EA located in Volume VI of the Final EIR/EA.

The commenter also disagrees with the conclusions in the Final EIR/EA regarding the significance of impacts from polarized light pollution (or lake effects). The information presented by the commenter has been considered by the biologists who prepared the Final

EIR/EA. At bottom, the comments reflect a difference in expert opinion. The conclusions in the Final EIR/EA are supported by expert opinion based on knowledge of the site conditions and project components, site surveys, evaluation of data from other solar facilities, and knowledge of the habits and characteristics of the relevant avian species. The Board of Supervisors will make the final significance determination based upon the entirety of the information in the record, including the materials that the commenter has provided.

Adaptive Management

The adaptive management process and guidance that has been incorporated into the BBCS found in Appendix C.4 to the Final EIR/EA was provided by the U.S. Fish and Wildlife Service's (USFWS) Region 8 Interim Guidelines for the Development of a Project-specific Avian and Bat Protection Plan for Solar Energy Plants and Related Transmission Facilities (USFWS 2010), and the Avian Power Line Action Committee's (APLIC) Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (APLIC 1994), Avian Protection Plan Guidelines (APLIC 2005), and Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006). Additional project measures and adaptive management procedures were provided by USFWS (USFWS Migratory Bird and Bat Avoidance and Minimization Interim Recommendation for the Blyth Mesa Solar Plant Project (FWS-RIV-12B0299-14CPAA0246)).

Avian Mortality

The commenter states that the adaptive management strategy and thresholds are high. As part of the adaptive management process outlined in Appendix C4 of the Final EIR/EA, BBCSs are considered "living documents" that articulate a power producer's commitment to develop and implement a program to increase avian and bat safety and reduce risk. BBCS may be reviewed, modified and updated. Coordination will continue with the pertinent regulatory agencies and the method of post-construction fatality monitoring may be reviewed, modified and updated

The commenter also states that the revised BBCS does not include "the results of the [carcass] searches will be used to adjust the search frequency and to improve mortality estimates to reflect bias from carcass removal rates and searcher efficiency." The edits are on page 28 of the BBCS (Appendix C.4) under Section 5.0 Operation Bird and Bat Monitoring and Reporting; second paragraph. Please also see the Errata (response 3-2) found in Volume VI of the Final EIR/EA.

In addition, the commenter disagrees with statements in the Final EIR/EA regarding the efficacy of flight diverters. As noted by the commenter, flight diverters reduce the potential for bird collisions. The BBSC requires compliance with Avian Power Line Interaction Committee standards and guidelines.

3. Mojave Fringe-Toed Lizard

The commenter states that the Final EIR/EA fails to explain how habitat loss for the MFTL was calculated. However, within the impact discussion for the MFTL the reader is referred to Table 3.2.4-3 in Chapter 3 and Figure 3.2.4-4 in Chapter 3 in the Final EIR/EA that includes a map and acreage impacts for each alternative. In addition to Appendix C2, Chapter 3 also discusses the desert dune habitat. The Final EIR/EA explains that construction of the gen-tie line under Alternative 3 would result in the temporary removal and degradation of up to 67.7 acres of habitat, which is within the Aeolian sand sheet and dune habitat that supports this species. Final EIR/EA

The solar array site is primarily agricultural lands, which lacks the MFTL habitat requirement of dune habitat to support the MFTL. However, the Creosote Bush Scrub

vegetation community within the solar array site does contain dune habitat and direct impacts to this area within the solar array site will require mitigation per Mitigation Measure 8. Table 3.2.4-1 indicates there are 41.9 acres of Creosote Bush Scrub within the array field.

As noted in the mitigation the Applicant has committed to funding compensation lands. The Applicant will continue to work with BLM to find the appropriate compensation lands.

The commenter also states that the project's transmission lines and towers will provide perch sites for the avian predators in habitat occupied by the MFTL. As outlined in the BBCS, the gen-tie line will be designed to discourage its use by raptors for perching (e.g., by use of anti-perching devices). This design would minimize avian risk and would provide the added benefit of not increasing the potential for increased predation of special-status species such as the Mojave fringe-toed lizard by not creating structures that enhance perching or nesting opportunities for ravens and other avian predators.

4. Burrowing Owl

The Burrowing Owl Monitoring and Mitigation Plan has been developed to describe monitoring, reporting, and management of the burrowing owl during the construction, operation and maintenance, and decommissioning of the proposed Project, as required by the BLM, CDFG, and County of Riverside. It has been prepared following the 2012 CDFG Staff Report on Burrowing Owl Mitigation, and describes a multi-tiered approach to prevent or reduce impacts during construction and operation of the Project.

To address the comment regarding the ineffectiveness of the habitat replacement, because CDFW no longer suggests a habitat ratio the California Burrowing Owl Consortium habitat ratio guidelines were used as a basis to determine the minimum amount of habitat potentially required. The commenter provides text from the Staff Report calling for equivalent or greater habitat area for permanent habitat loss. As outlined in the Burrowing Owl Mitigation Plan, surveys will be conducted within the proposed mitigation lands to determine the most suitable location and mitigation lands may require habitat enhancements. It should also be noted that protocol surveys were conducted in 2013 with no new owls detected. The previously observed owl locations from the 2011 and 2012 protocol survey were used as reference sites, but no owls were detected, either. This indicates that burrowing owls may be extirpated from the Project site. The relocation is just one strategy to protect the species; however, decisions will be made with input from pertinent regulatory agency staff in a timely manner to ensure the protection of the burrowing owl.

The commenter states that a 30 day pre-construction survey is insufficient and does not follow the CDFW's Staff Report. As outlined in the Burrowing Owl Mitigation Plan the pre-construction survey allows time for the biologist to survey for burrowing owls, possible burrows, and sign of owls (e.g., pellets, feathers, white wash). If detected, and as outlined in the Burrowing Owl Mitigation Plan, several follow up measures are taken for protection of the species such as coordination by the approved biologists with the construction contractors for avoidance. In addition, a biological monitor will be responsible for ongoing monitoring to ensure burrowing owls do not colonize the site after the 30-day preconstruction survey. If for any reason unanticipated circumstances arise, an adaptive management process has been outlined in the Burrowing Owl Mitigation Plan that will require input from pertinent regulatory agency staff in a timely manner to ensure the protection of the burrowing owl.

B. Project Impacts Related to Hazards

1. Phase I

Please see the Responses to Comment 1, above.

2. Pesticides

Please see the Responses to Comment 1, above.

3. Previous Military Use

Please see the Response to Comment 1, above.

It also should be noted that, within a few months of the 2011 Parsons' field investigation referenced in the Phase 1 Environmental Site Assessment, POWER conducted a BLM Class III archaeological and historic built environment survey of lands within the Project boundary that include the 125-foot ROW of the proposed and alternative 230 kV transmission line corridors. These lands included private and BLM-managed public lands. During the surveys, archaeologists walked parallel transects, using 15-meter (50-foot) intervals, to identify archaeological and architectural resources. The ground surface was visually examined for evidence of prehistoric or historic archaeological materials and historic structures. Visible ground surfaces were examined, including fence lines, drainage channels, and other exposures. There was little vegetation and ground surface visibility was very high. A sub-meter GPS was used to record the location of each cultural resource. During these field surveys conducted by POWER, other than shotgun shells and bullets associated with domestic trash deposits, no evidence of munitions or explosives were identified.

C. Project Impacts to Water Resources

1. Water supply

The commenter states that there is new information regarding water supply and that the Final EIR fails to adequately disclose, analyze, and mitigate the project's impacts to water resources because the circumstances regarding water supply availability have changed due to the current drought conditions in California.

The proposed Project would demand far less water than is used under existing circumstances. Thus, the proposed Project would have beneficial impacts on water supply. Based on the 2010 PVID report, the agricultural operations in the Project area utilized approximately 12,000 acre-feet (ac-ft) of water from the PVID surface delivery system to irrigate crops on approximately 1,592 acres; current operations are not supported by groundwater wells. In contrast, the proposed Project is projected to demand about 451 ac-ft/yr of non-potable water during construction and about 345 ac-ft/yr of non-potable water, which is well below the existing (pre-Project) irrigation use of approximately 12,000 ac-ft.

Project operation would require less than one ac-ft/yr of water for potable for use in the two O&M buildings. Riverside County Community Service Area #122 (CSA #122) has substantiated its intention and ability to provide this potable supply by issuing a will-serve letter for the Project's limited potable water needs (up to 150 gallons per day) of potable water for the two O&M buildings.

Appendix G, *Water Supply Assessment for the Blythe Mesa Solar Project* of the Final EIR/EA provides an in-depth analysis of water requirements for the Project and sources of water supply. Chapter 3 (Section 3.2.9 and Section 3.2.13) of Final EIR/EA provides a discussion relative to the source of water (potable and non-potable) for construction and operation and Chapter 4 (Section 3.2.9 and Section 4.2.13) provides an analysis of Project impacts on water supply during construction and operation.

The current drought condition in California does not change the conclusion in the Final EIR/EA that the project will reduce water use on the site compared to existing conditions. Accordingly, the project will not contribute to a shortfall in water supplies.

2. Water Supply Availability and Impacts on PVID Water Supply

The commenter states that the WSA focuses on groundwater extraction; however, the Draft EIR/EA states that the Project will not use groundwater.

Section 4.2.9 of the Final EIR/EA (page 4-247) identified that the Project would use less than one ac-ft of groundwater for potable use in the two O&M buildings during Project operation. Riverside County Community Service Area #122 (CSA #122) has substantiated its intention to provide this potable supply by issuing a will-serve letter (October 26, 2012 c/o Steve H. Jones – Manager) for the Project's limited potable water needs (up to 150 gallons per day) of potable water for the two O&M buildings.

Appendix G, of the Final EIR/EA, *Water Supply Assessment,* page 10 has been revised as follows:

> The Project would require less than one acre feet of groundwater per year for minimal potable use in the two O&M buildings during Project operation. Riverside County Community Service Area #122 (CSA #122) has issued a will-serve letter for the Project's limited potable water needs.

Please see the Response to Comment C (1), above for additional information regarding the project's effects on water supplies from PVID.

3. Palo Verde Outfall Drain and the Colorado River

This comment reiterates comments 12-21, 12-23, and 12-24, to which responses were provided in the Final EIR/EA. See below for additional discussion.

The Final EIR/EA acknowledges that, without control measures, ground disturbance related to construction of the Project could potentially degrade water quality through the inadvertent release of residual pesticides from former agricultural lands. Ground-disturbing activities such as grading create loose soil and dust. Loose soil can be picked up by stormwater during rain events and transported into canals, streams, or rivers, introducing sediment including any residual pesticides.

Analysis in Section 4.2.9, *Hydrology and Water Quality*, of the Final EIR/EA determined that implementation of BMP-1, Drainage, Erosion, and Sedimentation Control Plan, and BMP-2, Stormwater Pollution Prevention Plan would provide source control measures that protect the soil surface and prevent soil from being detached from the surface by rainfall, flowing water, or wind, as well as physical controls that trap soil particles after they have been detached and moved by rain, flowing water, or wind.

Examples of erosion control measures that could be employed include, but are not limited to, the preservation of existing vegetation to maintain existing soil integrity, and non-vegetative stabilization techniques such as a layer of gravel or rocks to stabilize slopes or other areas with a high erosion potential. Wind erosion control (i.e., dust control) consists of applying water to disturbed areas to prevent dust, including that arising from contaminated soils, from being deposited into streams, washes, or other receiving waters via wind. Examples of sediment control measures include installation of silt fencing, and installation of fiber rolls or sandbag barriers, all of which filter soil particles out of flowing water before they enter receiving waters.

The Final EIR/EA provides BMPs (BMP-1, BMP-2, BMP-3, BMP-9, BMP-10, BMP-11, BMP-13, BMP-14, and BMP-15) and mitigation measures Hydrology-1 through Hydrology-4 to ensure that soils and sediment including contaminated soil (e.g. residual pesticides) would not enter receiving waters during storm events and via wind erosion; therefore,

potential hydrology and water quality impacts would be reduced to a less than significant level.

In addition, the County's Conditional Use Permit for the project includes the following requirements:

10.BS GRADE 006

Construction activities including clearing, stockpiling, grading or excavation of land which disturbs less than 1 acre and requires a grading permit or construction Building permit shall provide for effective control of erosion, sediment and all other pollutants year-round. The permit holder shall be responsible for the installation and monitoring of effective erosion and sediment controls. Such controls will be evaluated by the Department of Building and Safety periodically and prior to permit Final to verify compliance with industry recognized erosion control measures.

Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs 1 acre or more or on-sites which are part of a larger common plan of development which disturbs less than 1 acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. You are required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Department of Building and Safety upon request.

Year-round, Best Management Practices (BMP's) shall be maintained and be in place for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Stabilized Construction Entrances and project perimeter linear barriers are required year round. Removal BMP's (those BMP's which must be temporarily removed during construction activities) shall be in place at the end of each working day.

Monitoring for erosion and sediment control is required and shall be performed by the QSD or QSP as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan is required when there is a 50% or greater forecast of rain within the 48 hours, by the National Weather Service or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (http://www.srh.noaa.gov/forecast) and must accompany monitoring reports and sampling test data. A Rain gauge is required on site. The Department of Building and Safety will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

10.BS GRADE 007

Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facility deemed necessary to control or prevent erosion. Additional erosion protection may be required during the rainy season from October 1, to May 31.

10.BS GRADE 014

Graded slopes which infringe into the 100 year storm flood way boundaries, shall be protected from erosion, or other flood hazards, by a method acceptable to the Building & Safety Department's Engineer - which may include Riverside County Flood Control & Water Conservation District's review and approval. However, no graded slope will be allowed which in the professional judgment of the Building & Safety Department Engineer blocks, concentrates or diverts drainage flows.

10.PLANNING 031

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Building and Safety Department and the State air quality management authorities.

60.BS GRADE 013

Prior to the issuance of a grading permit, the owner / applicant shall obtain a BMP (Best Management Practices) Permit for the monitoring of the erosion and sediment control BMPs for the site. The Department of Building and Safety will conduct NPDES (National Pollutant Discharge Elimination System) inspections of the site based on Risk Level to verify compliance with the Construction General Permit, Stormwater ordinances and regulations until completion of the construction activities, permanent stabilization of the site and permit final.

D. Impacts to Public Health

1. Diesel Particulate Matter Emissions

SCREEN3

This comment reiterates comment 12-53, to which a response was provided in the Final EIR/EA. See below for additional discussion.

The air quality analysis in the Final EIR/EA was based on the technical analysis provided in the *Air Quality and Global Climate Change Technical Report* prepared by a qualified consultant. This report adequately set forth the environmental baseline and disclosed and analyzed the potential impacts of the proposed Project based on proven methodologies.

The *Air Quality and Global Climate Change Report* included a risk analysis which was incorporated into the Final EIR/EA. The analysis prepared for the proposed Project utilized a screening-level analysis that followed the currently approved Office of Environmental Health Hazard Assessment (OEHHA) guidance for conducting health risk assessments. This is a conservative analysis because it relies on a screening model that does not take into account (a) the fact that construction equipment would not be used 24 hours/day; (b) assumes that the wind always blows toward the receptor, and it uses the EPA scaling factor to adjust the concentration to account for chronic exposure; (c) assumes that all of the off-road and on-road emissions occur at the site, and do not take into account the fact that the on-road emissions would instead by dispersed on the roadways; and (d) assumes that a receptor is located 100 meters or 300 feet from the site and is present 24 hours per day, 7 days per week, 365 days per year for the duration of construction. Risks are 2 orders of magnitude below the significance threshold of 10 in a million; therefore, even if the adjustment factor for 0 to 2 years of 10 is used, the risks would remain below 10 in one million for childhood exposure.

The Final EIR/EA identified that construction activities would result in emissions of diesel particulate matter from heavy construction equipment used on-site and truck traffic to and from the site, as well as minor amounts of Toxic Air Contaminant (TAC) Emissions from motor vehicles (such as benzene, 1,3-butadiene, toluene, and xylenes). Health effects attributable to exposure to diesel particulate matter are long-term effects based on chronic (i.e., long-term) exposure to emissions. Health effects are generally evaluated based on a lifetime (70 years) of exposure.

Sources of diesel particulate matter at the site would include haul truck activities, heavy construction equipment, and contractor vehicles. Construction emissions were modeled

using the SCREEN3 model to evaluate whether diesel particulate matter would result in a significant health risk to sensitive receptors in the Project area. A screening health risk analysis was conducted to evaluate the potential for the Project to expose sensitive receptors to substantial TAC concentrations. Based on the results of the screening health risk assessment, the maximum predicted cancer risk would be 0.549 in a million, which is below the significance threshold of 10 in a million. The chronic non-cancer hazard index would be 0.00769, which is below the significance threshold of 1.0. This estimate assumes implementation of BMP-16 (Diesel Engines) incorporating the use of ultra-low sulfur fuel in conjunction with Tier 2 and Tier 3 diesel equipment to reduce TACs emitted during construction of the proposed gen-tie line and solar array facility. Based on the screening analysis, construction activities would not result in a significant impact to sensitive receptors.

The modeling analysis was conducted based on the approved *Air Toxics Hot Spots Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*[2] that was the OEHHA-approved guidance at the time the analysis was conducted. At the time the analysis was conducted (January 2013), the OEHHA-approved guidance recommended the SCREEN3 model for health risk assessments (Page 4-22). Therefore, SCREEN3 was the appropriate model for use in the analysis at the time the analysis was conducted. There is no regulatory requirement under CEQA to use one screening model over another screening model. Because the analysis was a screening analysis that was conducted under the approved guidance from OEHHA that was in place at the time the report was prepared, the analysis is appropriate for providing a conservative estimate of impacts.

Age Specific Factors

As discussed in Response to Comment 12-53 in Volume V of the Final EIR/EA, the air quality analysis considered sensitive receptors in the analysis of health risk assessment. The *Air Quality and Global Climate Change Report* included sensitive receptors in its analysis. Schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are also considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Recreational uses are also considered sensitive due to the greater exposure to ambient air quality conditions because vigorous exercise associated with recreation places a high demand on the human respiratory system.

As discussed above, the modeling analysis was conducted based on the approved *Air Toxics Hot Spots Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* that was the OEHHA-approved guidance at the time the analysis was conducted. The age-specific factors in the risk calculations have only been approved by OEHHA in their final guidance, which was formally adopted in March 2015. When the analysis was conducted, OEHHA had not released either a draft or final updated guidance and no age-specific factors were recommended.

Even if the age sensitivity factors and breathing rates were updated to take into account the recommendations in the newly adopted guidance, the screening-level risks calculated in the analysis would remain below the significance threshold of 10 in a million, as shown in the calculations included as an attachment.

[2] Office of Environmental Health Hazard Assessment. 2003. *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. August.

OEHHA Health Risk Guidance

As discussed above, the modeling analysis was conducted based on the approved *Air Toxics Hot Spots Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* that was the OEHHA-approved guidance at the time the analysis was conducted. The age-specific factors in the risk calculations have only been approved by OEHHA in their final guidance, which was formally adopted in March 2015. When the analysis was conducted, OEHHA had not released either a draft or final updated guidance and no age-specific factors were recommended.

Even if the age sensitivity factors and breathing rates were updated to take into account the recommendations in the newly adopted guidance, the screening-level risks calculated in the analysis would remain below the significance threshold of 10 in a million.

Updated Health Risk Assessment

The analysis provided in the *Air Quality and Global Climate Change Report* is a screening analysis that is designed to demonstrate that no further analysis is warranted. The analysis is based on several conservative assumptions that overestimate, rather than underestimate, risk. For example, the SCREEN3 model results rely on worst-case meteorological assumptions that include stable conditions (i.e., low dispersion of pollutants), and assume that the wind is blowing from the source directly to the receptor. While the EPA's scaling factor to convert a maximum one-hour concentration to an annual concentration assumes that the meteorological conditions persist for 8 percent of the time (the SCREEN3 scaling factor is 0.08), this is still a conservative assumption, as meteorological conditions tend to vary more than the scaling factor reflects. It was also assumed that construction activities would occur 24 hours per day, including nighttime hours when worst-case meteorological conditions would occur. The majority of construction activities would occur during the daytime hours when unstable conditions in the atmosphere lead to higher dispersion of pollutants.

Also, as stated in the *Air Quality and Global Climate Change Report,* the analysis assumed that the emissions attributable to truck traffic would remain on site; in reality, these emissions would be dispersed on roadways and would not be concentrated on the site. Therefore, the impact from truck emissions is overestimated in the screening analysis.

Even if the age sensitivity factors and breathing rates were updated to take into account the recommendations in the newly adopted guidance, the screening-level risks calculated in the analysis would remain below the significance threshold of 10 in a million. Taking into account duration of construction (3 years), and calculating the risk based on the March 2015 OEHHA guidance, the risk would be 2.63 in a million. OEHHA is recommending that a 30-year exposure duration as the basis for estimating cancer risk at the maximum exposed individual resident. Therefore, the duration of the exposure (3 years) must be taken into account within the risk calculation. As shown in the attached table (Table 1), the analysis provided in Appendix B to the Adams and Broadwell letter fails to take into account a 30-year exposure duration in the calculation of risk, during which time period construction would occur for 3 years. The screening analysis accounts for the fact that construction would not occur for the remaining 27 years of the exposure period. It should be noted that this is also a conservative analysis since on-road emissions are included and assumed they are all being emitted at the source.

2. Valley Fever

This comment reiterates Comment 12-23, to which a response was provided in the Final EIR/EA. See below for additional discussion.

The commenter states that the Draft EIR/EA failed to provide specific mitigation related to Valley Fever and also mentioned that increased rates of Valley Fever in prison populations, due to the Project's proximate location to Chuckwalla State Penitentiary.

The analysis in the Final EIR/EA followed the guidelines described in the CEQ's Environmental Justice Guidance under NEPA (CEQ 1997) to analyze potential environmental justice impacts. The purpose of this analysis, pursuant to Executive Order 12898 (59 Federal Register 7629; February 16, 1994), is to identify and address whether the Project would cause disproportionately high and adverse human health or environmental effects on minority and/or low-income populations of the community. The Executive Order directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The order also directs each agency to develop a strategy for implementing environmental justice. The order is also intended to promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.

Ironwood State Prison and Chuckwalla Valley State Prison are located approximately 10 miles west of the proposed Project. The Final EIR/EA analyzed environmental impacts associated with the proposed Project including the populations of the Ironwood State Prison and the Chuckwalla Valley State Prison. The environmental justice analysis assessed the potential for major impacts to be disproportionately distributed to minority or low-income population within the local area in accordance with the CEQ guidelines. The Final EIR/EA did not identify impacts which are significant and unavoidable and none of the Project's impacts were determined to have a disproportionate impact on local low-income or minority populations which include the populations of including Ironwood State Prison and Chuckwalla Valley State Prison.

The impacts of Valley Fever are discussed in the Final EIR/EA, which states that Valley Fever can be spread by fugitive dust. Feasible measures are presented in the Final EIR/EA (refer to BMP-3 and BMP-17) to reduce dust generated by the Project, thereby minimizing potential public health impacts to workers at the Project site and nearby residents, including inmates at Ironwood State Prison and Chuckwalla State Penitentiary. It should be noted, that the potential exposure to nearby residents would likely decrease over existing conditions since the dust control measures would limit airborne dust compared to existing agricultural activities.

In Response to Comments received on the Draft EIR/EA, an Environmental Awareness Program (WEAP) was incorporated into the Final EIR/EA to specifically address impacts associated with fugitive dust and Valley Fever. The WEAP, (Mitigation Measure Hazards-3) would be implemented to ensure worker safety and minimize worker hazards during construction and operation. The program would include a personal protective equipment (PPE) program, an Emergency Action Plan (EAP), and an Injury and Illness Prevention Program (IIPP) to address health and safety issues associated with normal and unusual (emergency) conditions. Construction-related safety programs and procedures would include a respiratory protection program, among other things. Construction would be undertaken sequentially in accordance with a Construction Plan that would include the final design documents, work plan, health and safety plans, permits, project schedule, and operation and maintenance manuals. Construction Plan documents would relate at least to the following:

1. Environmental health and safety training (including, but not limited, to training on the hazards of Valley Fever, including the symptoms, proper work procedures, how to use PPE, and informing supervisor of suspected symptoms of work-related Valley Fever)
2. Site security measures
3. Site first aid training
4. Construction testing (non-destructive examination, hydro, etc.) requirements
5. Site fire protection and extinguisher maintenance, guidance, and documentation
6. Furnishing and servicing of sanitary facilities records
7. Trash collection and disposal schedule/records
8. Disposal of hazardous materials and waste guidance in accordance with local, state, and federal regulations

The comment suggests specific mitigation measures to protect the public and construction workers on-site, as follows.

1. *Limit construction workers' exposure to dust by suspending construction work in affected areas during heavy wind events or dust storms. "Affected area" is defined as a portion of the project where visible airborne dust is present. "Heavy wind event" is defined as winds in excess of 20 miles per hour ("mph") averaged over the prior on hour period.*

   Heavy equipment, trucks and other construction vehicles that generate heavy dust shall have enclosed, air-conditioned cabs with high efficiency particulate air ("HEPA") filters.

   In response to 1 and 2, in compliance with the Mojave Desert Air Quality Management District (MDAQMD), during high wind conditions vehicle speeds would be reduced to 20 miles per hour (mph). As stated above, a component of the WEAP would include a PPE program, an EAP, and an IIPP to address health and safety issues associated with normal and unusual (emergency) conditions. Construction-related safety programs and procedures would include a respiratory protection program, among other things. In addition, the Project would be subject to applicable rules and regulations of the Occupational Safety and Health Act (OSHA) during construction, operations and maintenance, and decommissioning, which ensures safe and healthful working conditions.

   Implementation of applicable rules and regulations of the MDAQMD, including the fugitive dust control measures as required under MDAQMD Rule 403, implementation of Project BMPs, adherence to OSHA requirements, and implementation of Hazards-3, Worker Environmental Awareness Program would ensure adverse effects relative to dust would be reduced to less than significant.

2. *National Institute of Occupation Safety and Health ("NIOSH") approved respiratory protection with particulate filters rated as N95, N99, N100, P100 or HEPA shall be provided to construction workers.*

   Mitigation Measure Hazards-3 (WEAP) would ensure that construction workers would be provided with, and trained on the proper use of, PPE. All PPE used by construction workers would be in conformance with applicable rules and regulations. The type and specifications of PPE would be determined prior to the commencement of construction based on field conditions.

3. *When digging a trench or performing other soil-disturbing tasks, workers shall be positioned upwind when possible.*
4. *Construction workers shall be trained on ways to reduce exposure to dust.*

In response to 3 and 4, the Final EIR/EA provides Hazards-3 (WEAP) ensure worker safety.

Construction would be undertaken sequentially in accordance with a Construction Plan that would include the final design documents, work plan, health and safety plans, permits, project schedule, and operation and maintenance manuals.

Components of the WEAP include provisions for worker environmental and safety training, this training would include training relative the hazards of Valley Fever, proper work procedures, how to use PPE, it would also include site security measures, and first aid training.

In addition, BMP-3 would reduce fugitive dust, which would reduce the risk of Valley Fever infections in the most susceptible groups (i.e. construction workers, etc); it would also reduce the risk of Valley Fever infections in the general public. BMP-17, High Wind Conditions, would also reduce fugitive dust during high wind events; it would suspend soil-disturbing activities and travel on unpaved roads during periods of high winds, with the exception of those trips necessary to maintain the facility and prevent property damage. Similar programs have been employed at other solar facilities, and BLM experience indicates that incidences of Valley Fever have not increased appreciably. Accordingly, the measures have proven adequate to protect against Valley Fever. In addition, a WEAP, as Mitigation Measure Hazards-3, would be implemented to ensure worker safety and minimize worker hazards during construction and operation.

OPPOSITION LETTER 2: COLORADO RIVER INDIAN TRIBES (CRIT)

1. IMPACTS TO CULTURAL RESOURCES

A. Effects on Trails

The comments submitted by the Colorado River Indians Tribe (CRIT) have been carefully considered. The Final EIR/EA presents a good faith effort to respond to the comments submitted on the Draft EIR/EA. The text below expands on those responses to further addresses the concerns CRIT raises.

The response to CRIT Letter #14-3 as shown in Appendix O of the Final EIR/EA indicated that the 1957 University of California map showed trails that "skirted" the Blythe Mesa project area. The response presented in the Final EIR/EA also explained that no known trails cross the Project sites. Information provided to the County and the BLM has not altered this opinion, but this comment will be amplified upon herein.

The 1957 map provided to the County from CRIT (in 2014) disclosed that one known trail ran east from Corn Spring, toward the southern margin of Ford Lake in the Chuckwalla Valley, east and around the low foothills of the McCoy Mountains, three miles west of the Project. That trail then continues toward the east-northeast across, or just north, of the Blythe Airport to a point where three fingers of McCoy Wash merge to form a single wash; thereafter, the trail continues northeast through a pass in the Big Maria Mountains, then east and down to the Colorado River to end a point known as Petroglyph #46 (possibly a reference to the Blythe Intaglios). An additional trail passes east of the City of Blythe paralleling the Colorado River. These are the only two trails near the Project shown on the

1957 map. The 1957 map is hand-drawn and provides few reference points except those mentioned.

The 1957 map indicates that the known west-to-east trail crossed McCoy Wash at a point where three tributaries of this wash come together. This point is in the region of T6S/R22E Section 3, 4 and 9. The point is also about five miles northeast of the junction of two runways at Blythe Airport and more than five miles north of the northernmost portion of the Project perimeter. This is why the term "skirt" was used in a previous response. The location of the Project physically misses the 1957 plot of the known east-west trail by approximately five miles. The second trail is farther from the project sites.

The Salt Song Trail Map shows land in the Southwestern part of the Unites States associated with Southern Paiute (Nuwuvi) Salt Song. This is a broad landscape and cultural area shared by many tribes, which is located between Utah and the desert areas of California and is considered sacred to certain local Tribal organizations. No trails specific to the Salt Song are known to cross the Project sites.

As previously noted, the vast majority of this Project is located on former farmland that has been plowed, therefore the original landscape has been altered and the immediate region, especially to the east, is wholly dissimilar to the ancestral landscapes that once occurred here. For that reason, no trail indications are evident in this location. While the absence of trail markings does not prove that no trail ever existed, the cultural resources site surveys of the site and a review of historic maps have not revealed that a culturally significant trail was present on the project site.

B. Ethnographic Assessment and other studies

The commenter suggests that an Ethnographic Assessment, consultation with tribal elders, and geomorphic studies should be conducted. While the additional studies suggested by the commenter may be warranted on some sites where significant cultural resources are likely to be present, the additional studies are not considered to be necessary for environmental evaluation and approval of this particular project. The project is not located on the site of known cultural resources, and no evidence has submitted indicating that such resources are likely to be present.

C. Depth of previous disturbance

The commenter requests additional information regarding the depth of previous land disturbance on the Project sites. Plowing for rotational crops such as alfalfa or hay on desert lands requires cuts to at least two feet below the surface so that the turned topsoil allows for even water absorption and good plant root development. Plowing allows for "smoothing" of the landscape, such that the original land surface is flatter, making sowing, water disbursement, and harvesting less difficult. In addition, buried pipelines must be constructed such that water can be brought onto the field more efficiently and with less waste. Each aspect of agricultural development causes impact to the soil surface such that features on the surface that existed before farming took place have lost substantial integrity, or have been completely destroyed.

The Final EIR/EA acknowledges that unknown cultural resources could be located below the plowed zone. This is why cultural resource monitoring was recommended during construction.

D. Prehistoric ceramic scatter

Site P#33-020001, a small ceramic artifact scatter, was determined by the archeologists who prepared the cultural resources report for the Project to be "ineligible for protection" under Section 106 guidelines because the site represents an isolated artifact. Records associated

with all sites in the Project area were provided to the California State Historic Preservation Officer (SHPO) for review in 2014. In a letter dated October 21, 2013, SHPO agreed that the P#33-020001 is not a historic property or historical resource.

On August 7, 2013 the BLM sent SHPO a letter detailing the sites and isolates detected during the cultural resource survey of the Project. In this letter the BLM delineated the existence of 11 new archaeological sites, 14 previously recorded archaeological sites, and 33 isolated resources, and SHPO was provided a copy of the Blythe Solar Project Archaeological Survey Report (POWER 2013) for their internal review. Subsequently, in a letter to the BLM dated October 21, 2013, SHPO responded and agreed (Page 2) that 21 sites and 33 isolates were not eligible for the National Register. One of the 33 isolated resources is P#33-020001. For this reason, P#33-020001 is considered an isolated resource and is not an historic property.

2. ENVIRONMENTAL JUSTICE

The commenter indicates that CRIT members have not been considered in the analysis of environmental justice impacts of the project. The environmental justice analysis in Section 4.2.13 of the Final EIR/EA was undertaken following methods required by the federal Council on Environmental Quality. These methods mandate that the reviewer utilize distance maximums that are logical and reasonably supported by local conditions. Here, the southern portion of CRIT tribal land is located about 11 miles to the east of the Project site, in Arizona. This distance was considered to be too far from the Project sites to experience substantial disproportionate environmental impacts as a result of construction, operation and decommissioning of the proposed Project. The Final EIR/EA reveals that all impacts of the proposed Project are less than significant or will be reduced to a less than significant level with implementation of required mitigation. People living near the Project sites will not experience significant adverse health, air quality, or water supply impacts. People living farther from the Project sites would be less likely to experience such effects. Cumulative effects on cultural resources are discussed in the next response, below.

3. CUMULATIVE IMPACTS

The Final EIR/EA evaluated cumulative impacts of the proposed Project and Alternatives for each resource area, using the following steps:

1) Define the geographic and temporal scope of cumulative impact analysis for each discipline, based on the potential area within which impacts of the proposed Project could combine with those of other projects.
2) Evaluate the effects of the proposed Project in combination with past and present (existing) projects in the study area.
3) Evaluate the effects of the proposed Project with foreseeable future projects that occur within the area of geographic effect defined for each discipline.

The area of cumulative effect varies by resource. For example, air quality impacts tend to disperse over a large area, while traffic impacts are typically more localized. For this reason, the geographic scope for this analysis must be identified for each resource area.

The analysis of cumulative effects considers a number of variables including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The BLM NEPA Handbook at sec. 6.8.3.2 notes the geographic scope is generally based on the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope will often be different for each cumulative effects issue. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed action and alternatives. If the proposed Project and alternatives would have no direct or indirect effects

on a resource, cumulative effects on that resource need not be analyzed. In addition, each project in a region will have its own implementation schedule, which may or may not coincide or overlap with the construction schedule for the proposed Project and Alternatives. This is a consideration for short-term impacts from the proposed Project and Alternatives. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the proposed Project.

Reasonably foreseeable projects could contribute to the cumulative effects scenario for the proposed Project and Alternatives depending on the extent of each particular resource impact. Cumulative impacts may be intensified by foreseeable future projects that are in the direct vicinity of the proposed Project (solar facility site and gen-tie line) and Alternatives or by foreseeable future projects throughout the greater desert surrounding the proposed Project and Alternatives.

It is noted that cultural resources are non-renewable; any loss or physical damage to these resources is permanent. They would be subject to direct impacts primarily during Project construction; however, impacts could occur during any ground-disturbing activities during operation and maintenance and decommissioning. For purposes of the cultural resources cumulative analysis, the temporal impact scope is the life of the Project.

As noted in Section 4.2.5 of the Final EIR/EA, construction, operation and maintenance, and decommissioning of the proposed Project would not affect any historic properties as defined under Section 106 of the NHPA nor would the proposed Project impact archaeological resources as defined under NEPA. As defined by CEQA, the proposed Project would not impact any known historical resources, unique archaeological resources or human remains. Unanticipated impacts/effects could occur to previously undiscovered archaeological resources, but these impacts would be reduced by implementing monitoring and other procedures.

Most of the projects used for the cumulative impact analysis would be subject to both State and federal laws, including Section 106 of the NHPA and CEQA's cultural resource protective requirements. Therefore, cultural resources impacts caused by these projects would be reduced by mitigation.

Of the projects listed in Table 4.1-1, it is likely that some of these projects would adversely affect cultural resources. Though the implementation of cumulative projects could collectively impact cultural resources in the geographic area, the proposed Project's incremental impact when added to other past, present, and reasonably foreseeable future actions would be relatively minor because no known eligible resources would be impacted by the Project. Under CEQA, to constitute a significant cumulative impact there must both be a significant impact of the project combined with the impacts of other past, present and reasonably foreseeable project, *and* the contribution of the project to that combined impact must be cumulatively considerable. Here, because there are no known cultural resources located on the Project sites, the Project's contribution to a combined effect on cultural resources is not considered to be cumulatively considerable.

The commenter refers to the EnviroMission Limited Solar Updraft Tower project. That project does not currently have an application for development on file with the County of La Paz (Camacho 2014); therefore, EnviroMission Limited Solar Updraft Tower does not constitute a "probable future project" as defined by CEQA. In any event, as explained above, because no known cultural resources are located on the Project sites, the proposed Project's contribution to regional cumulative impacts to cultural resources is not considered to be cumulatively considerable.

4. ENVIRONMENTAL BASELINE

The commenter states that the Project's baseline setting and the No Project Alternative are flawed. This comment reiterates Comment 14-13, to which a response was provided in the Final EIR/EA. See below for additional discussion.

As explained in the Final EIR/EA, the baseline used for both CEQA and NEPA analyses are the conditions existing around the time of issuance of the Notice of Preparation in November 2011. The Environmental Setting, in Sections 3.2.1 through 3.2.15 of the Final EIR/EA, constitutes the baseline conditions for each individual resource area. Development of a different solar project on the Project site was not included in the baseline conditions used to evaluate the environmental impacts of the Project and Alternatives. Similarly, enhanced or different agricultural operations compared to those occurring at the time of the Notice of Preparation were also not included in the environmental baseline.

Under the No Action/Project Alternative, the construction of a solar generating facility and associated infrastructure would not occur. This alternative discusses existing conditions as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved and not implemented. Under the No Project Alternative, it is assumed that the proposed Project would not be constructed and that existing agricultural operations would continue.

As noted in Response 14-13 of the Final EIR/EA, the conclusion that agricultural use could continue at the Project site under the No Project Alternative was derived based on the history of agricultural use of the Project site, the lack of any facilities onsite to support other uses, existing zoning requirements, and the location of the site within the service area of the Palo Verde Irrigation District, which has Priority 3b rights to the Colorado River water for agricultural purposes.

5. MITIGATION

A. Cultural Resources Management Plan ("CRMP")

The commenter states that a Cultural Resources Management Plant (CRMP) must be developed and presented prior to certification of the EIR. However, specific project-related construction designs detailing the actual depth and horizontal location of construction cannot be created prior to the final project design. As explained above, there are no known cultural resources present on the Project site. It is not possible to identify all of the attributes of a plan of mitigation for a resource that has not been discovered. Here, the mitigation program for this Project requires that: 1) a Cultural Resource Management Plan (CRMP) must be developed; 2) performance standards are detailed in Cultural-1 and Cultural-2 and in BMP-13 and BMP-14; and 3) the methods for accomplishing the mitigation are found in Cultural–5, Cultural-1 and Cultural-2.

B. Tribal monitor

The CRMP requires the Project Archaeologist consult with certain Tribal representatives before the completed draft CRMP is provided to the County and the BLM for review.

C. Avoidance and Reburial of Cultural Resources

The commenter supports mitigation measures that recognize a strong preference for avoidance of known and unknown cultural resources. Where avoidance is not feasible, the commenter strongly prefers that newly-discovered cultural resources be reburied in close proximity to the discovery site. To reflect this preference, the following condition of approval will be added by the County:

If significant cultural resources, as defined by CEQA, are discovered during Project construction on private lands, such resources shall be avoided unless avoidance is infeasible. If avoidance is infeasible, such resources shall be reburied in-situ, or in as close proximity to the discovery site as is feasible.

D. Tribal observers

The commenter is directed to **Cultural-4** of the Final EIR/EA. This mitigation measure notes:

> *Prior to any ground disturbances within the Project area, the Applicant shall, for a period of at least 60 days, make a good faith effort to enter into a contract with and retain monitors designated by Tribal representatives. This measure must result in and conform with BLM Measure #6 as found in the determination and findings document provided to SHPO dated August 7, 2013 (BLM 2013). These monitors shall be known as the Tribal Participants for this Project. The developer shall notify the appropriate Tribe of all new phases of development. The Tribal Participant shall be required on-site during all construction-related ground-disturbing activities. The developer shall submit the signed contract between the appropriate Tribe and the developer. The Project Archaeologist shall include in the report any concerns or comments the Tribal Participant has regarding the Project and shall include as an appendix any written correspondence or reports prepared by the Tribal Participant.*

6. GOVERNMENT-TO-GOVERNMENT CONSULTATION.

In accordance with the Executive Memorandum of April 29, 1994, Executive Order 13175, and Sections 101 and 106 of the National Historic Preservation Act (NHPA), the BLM formally notified and formally requested consultation with 15 tribes (listed in the first bullet below) at the earliest stages of the project planning by letter on March 12, 2012, and has formally reiterated requests to consult in all subsequent correspondence.

- Agua Caliente Band of Cahuilla Indians, Augustine Band of Cahuilla Indians, Cabazon Band of Mission Indians, Cahuilla Band of Mission Indians, Chemehuevi Indian Tribe, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Morongo Band of Mission Indians, Ramona Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Torres-Martinez Desert Cahuilla Indians, Twenty-Nine Palms Band of Mission Indians
- All of these federally recognized tribes were invited to be consulting parties.
- The BLM has received formal responses from four Indian tribes regarding their interest in the Project, comments on the EIR/EA, and/or requests to consult in a government-to-government manner. These four tribes are Agua Caliente Band of Cahuilla Indians, the Augustine Band of Cahuilla Indians, the Colorado River Indian Tribes, and the Soboba Band of Luiseno Indians.

In a response letter dated March 26, 2012, the Chairperson of the Augustine Band of Cahuilla Indians reported no specific resources in the Project area, requested that tribal monitors be used during the cultural resource survey, and asked to be notified if cultural resources were identified.

The BLM sent follow up letters to Native American tribes on August 8, 2013, reiterating its invitation for government-to-government and Section 106 consultation. This letter also: (1) provided an update on the environmental review process and cultural resources

identification efforts; (2) offered to provide copies of the *Blythe Mesa Solar Project: Archaeological Resources and Built Environment Survey, Riverside County, California;* and *Blythe Mesa Solar Project: Archaeological Resources and Built Environment Survey, Transmission Line Alternatives Supplemental Report, Riverside County California*; (3) summarized the BLM's determinations of eligibility and findings for cultural resources within the APE; and 4) summarized the BLM's findings of no adverse effect to historic properties.

Responses were received from two Native American tribes, the Aqua Caliente Band of Cahuilla Indian and the Cocopah Indian Tribe, requesting copies of the survey reports. Copies of the two reports were sent to both tribes on September 24, 2013.

The BLM also made a Project update call on October 21, 2013 with the Historic Preservation Officer of the Fort Yuma Quechan Tribe. This call was part of on-going staff coordination between the BLM and Quechan regarding all Palm Springs Field Office projects.

In addition, the Applicant contacted Joseph Ontiveros, Soboba Band of Luiseno Indians, Director of Cultural Resources to follow up on the meeting request, but did not hear back Joseph Ontiveros. The BLM conducted a government-to-government consultation with the Soboba Band of Luiseno Indians on August 6, 2014, and will continue to involve that tribe as it moves forward.

7. WILLIAMSON ACT

The commenter objects to the proposal to enter into and then cancel a Williamson Act contract. The proposal to enter into a Williamson Act contract has been withdrawn by the Applicant, and is no longer part of the Project.

8. RISKS TO AVIAN SPECIES AND RISKS TO AIR TRAFFIC NEAR THE PROJECT AREA

Section 4.2.4, *Biological Resources*, of the Final EIR/EA, provides an analysis of direct and indirect impacts to migratory birds. The Final EIR/EA acknowledges that the proposed Project would potentially result in impacts to bird populations on the solar facility site. However, Mitigation Measures Biology-1 (Monitor Construction Site for Biological Compliance) Biology-7 (Protect breeding birds) and Biology-7 (preparation of a BBCS) would be implemented to reduce potential impacts during construction, operation, and maintenance of the gen-tie line and solar array facility.

The BBCS includes an adaptive management program written with consideration to and guidance from the data and suggestions presented in the U.S. Fish and Wildlife Service's (USFWS) Region 8 Interim Guidelines for the Development of a Project-specific Avian and Bat Protection Plan for Solar Energy Plants and Related Transmission Facilities, and the Avian Power Line Interaction Committee's Mitigating Bird Collisions with Power Lines: The State of the Art in 1994, Avian Protection Plan Guidelines, and Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. The USFWS provided additional details on the interim guidelines for bird mortality monitoring. As part of the adaptive management process, BBCSs are considered "living documents" that articulate a power producer's commitment to develop and implement a program to increase avian and bat safety and reduce risk. As progress is made through the program or challenges are encountered, the BBCS may be reviewed, modified, and updated.

Please see the Response to Comment Letter 3, below, for information pertaining to air traffic.

9. WATER SUPPLY

The commenter states that the Draft EIR/EA noted that there would be no groundwater use associated with the Project. The Final EIR/EA acknowledges the Project would require a limited amount of water for Project construction and operation. Based on the 2010 PVID report, the agricultural operations in Project area utilized approximately 12,000 acre-feet (ac-ft) of water from the PVID surface delivery system to irrigate crops on approximately 1,592 acres; current operations are not supported by groundwater wells. This surface delivery system would also be available to the proposed solar facility. In contrast, the proposed Project is projected to demand about 451 ac-ft/yr of non-potable water during construction and about 345 ac-ft/yr of non-potable water, which is well below the existing (pre-Project) irrigation use of approximately 12,000 ac-ft.

Project operation would require less than one ac-ft/yr of groundwater for potable for use in the two O&M buildings. As discussed in Section 3.2.9 and Section 3.2.12 of the Final EIR/EA, Riverside County Community Service Area #122 (CSA #122) has substantiated its intention to provide this potable supply by issuing a will-serve letter for the Project's limited potable water needs (up to 150 gallons per day) of potable water for the two O&M buildings.

According to the *Water Supply Assessment,* normal recharge in the Palo Verde Groundwater basin from precipitation was estimated to range from 817 ac-ft/yr during normal years and 575 ac-ft/yr during dry years. Because the Project would require less than one ac-ft/yr or less than 0.17 percent of groundwater, during dry years, the Project would not result in a significant impact relative to groundwater resources.

OPPOSITION 3: LA CUNA DE AZTLAN SACRED SITES PROTECTION CIRCLE

The issues the commenter noted related to water usage/supply, avian mortality, air traffic safety have been addressed in the comments above.

1. LOSS OF AGRICULTURE/LOSS OF JOBS

The commenter states that the area agriculture will be devastated with the Project and it will not bring jobs; already it has increased unemployment.

The Project Description of the Final EIR/EA notes that the proposed Project would have peak monthly labor needs of 500 workers during construction over a three year period and would employ 12 full-time workers during operation. The proposed Project would have beneficial socioeconomic impacts during construction and operation in terms of job creation, expenditures, and tax revenues. In addition to the jobs directly related to construction and operation of the Project, additional indirect and induced jobs would be provided by construction and operation of the Project.

As stated in Response to Comment 10-5 in Volume V of the Final EIR/EA, approximately 1,185 acres of the Project area is planted in citrus. The property was acquired in April 2011, and the Seller was retained as a farm tenant to continue their existing citrus operations. In June 2013, the landowner received notice that the tenant was filing bankruptcy and could no longer continue citrus operations. The citrus farming has since ceased. The landowner is unaware of the total number of workers that were displaced from the citrus operations since the tenant managed the citrus farm and all of the labor associated with the operations.

2. AIRPORT SAFETY

The commenter states that the Blythe Airport is a link to the Los Angeles Airport (LAX) in case LAX is attacked and that small airplanes cannot fly above solar power projects.

In April 2012, the Riverside County Airport Land Use Commission (ALUC) found the Project (Conditional Use Permit No. 3670 which has since been renumbered Conditional Use Permit No. 3685) to be consistent with the Riverside County Airport Land Use Compatibility Plan (RCALUCP). The ALUC Development Review letter is included as Appendix N of the Final EIR/EA. In addition, the FAA provided a "No Hazard to Air Navigation" determination for the 230 kV gen-tie line structures.

A glare study, Appendix K of the Final EIR/EA, was completed to determine if glare would be visible from the landing approach of the four utilized runways at the Blythe Municipal Airport and the proposed lengthened section of Runway 8. Potential glare issues were studies along six landing approach scenarios.

Simulations were developed for each landing approach at the Blythe Airport to study glare from the single-axis solar trackers that are proposed for the Project. Visual analysts studied the 3D simulation under different lighting conditions and at different times of the year.

The Glare Study determined glare would be limited to westerly views for aircraft approaching Runway 26 and northerly views for aircraft approaching Runway 35. For Runway 26, glare may be present mid-morning and just before sunset, year-round with varying lengths of duration. Duration of glare ranged from 0.5 hour to 4.5 hours, depending on angle of descent and angle of approach to the runway. Glare for air traffic approaching Runway 35 would be limited to one hour or less at sunrise, and one hour or less at sunset during summer months only. Pilots approaching Runway 35 may experience glare during summer months in a northeasterly direction for one hour or less at sunrise (between the hours of 5:00 a.m. and 6:00 a.m.), and again in a northwesterly direction for one hour or less at sunset (between the hours of 7:00 p.m. and 8:00 p.m.). This glare is not concentrated and would be similar to or lesser in intensity to that experienced by pilots making airport approaches or takeoffs over bodies of water. Therefore, the analysis in Section 4.2.1, *Aesthetics, Visual Resources, and Reflection,* determined that impacts related to light and glare would be less than significant.

Chris Knopp
Project Manager

Attachment A: Blythe Mesa Solar Project Risk Calculations (April 2015)

Table 1
Screening Risk Calculation
Blythe Mesa Solar Project

DPM Concentration ug/m3	Dose air 3rd trimester	Dose air 0-2	Dose air 2-16	Dose air 16-30	risk 3tm	risk 0-2	risk 2-16	risk 16-30	Cancer Risk	Non-Cancer HI
0.0038456	1.33273E-06	4.02404E-06	2.75037E-06	1.23674E-06	4.45037E-08	1.07499E-06	1.30698E-06	1.98621E-07	2.62509E-06	0.000769

Risk Calculation Parameters	Breathing Rate/Body Weight		Age Sensitivity Factor	Exposure Duration	Averaging Time, years	Fraction of Time at Home
Time Period of Exposure	High End BR/BW	Mean BR/BW	ASF	ED	AT	FAH
3rd Trimester	361	225	10	0.25	70	0.85
0<2	1090	658	10	2	70	0.85
2<9	861	535	3	7	70	0.72
2<16	745	452	3	14	70	0.72
16<30	335	210	1	14	70	0.73
16<70	290	185	1	54	70	0.73

Cancer Potency Factors		
Diesel Particulate	1.10E+00	(mg/kg-day)-1

Risk = Dose-air x CPF x ASF x ED/AT x FAH